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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CASE NO. CR 19-700-RS-1
)	
Plaintiff,)	STIPULATION TO VACATE CHANGE OF PLEA
)	HEARING AND EXCLUDE TIME UNDER THE
v.)	SPEEDY TRIAL ACT; ORDER
)	
FROYLAN SANCHEZ,)	
a/k/a Froylan Azhea Martinez-Sanchez,)	
a/k/a Daniel Sanchez Bustos,)	
)	
Defendant.)	

On August 25, 2020, government counsel and Chief Assistant Federal Public Defender Candis Mitchell appeared telephonically before the Court for a status conference. Ms. Mitchell advised the Court that her client, Froylan Sanchez, agreed to waive his appearance for the August 25 status conference. At that time, the parties¹ agreed—and the Court ordered—to continue the matter to September 22, 2020 for a change of plea hearing. In anticipation of the proposed resolution, the parties did not seek an exclusion of time as to Froylan Sanchez.

Since the August 25, 2020 status conference, the parties have continued in their negotiations of a

¹ For purposes of this stipulation and [proposed] order, the “parties” refers to the government and defendant Froylan Sanchez, and is not intended to also reference co-defendant Jose Ivan Sanchez.

1 potential resolution. Unfortunately, the parties have been unable to finalize certain terms of a plea
2 agreement to submit for the Court's review. At this point, the parties jointly seek additional time to
3 review the discovery in this case, and to continue their negotiations of a proposed resolution.

4 In light of these considerations, the parties hereby stipulate and respectfully request that the
5 Court order that the change of plea hearing currently scheduled for September 22, 2020 at 2:00 p.m. be
6 vacated, and that Court schedule this matter for a status conference on November 3, 2020 at 2:30 p.m.
7 Additionally, the parties stipulate and respectfully request that the time between August 25, 2020 and
8 November 3, 2020 be excluded under the Speedy Trial Act pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and
9 (h)(7)(B), nunc pro tunc. The parties stipulate and agree that this exclusion of time will permit counsel
10 the reasonable time necessary for effective preparation, taking into account the exercise of due diligence,
11 and that the ends of justice served by this exclusion of time outweigh the best interests of the public and
12 the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A), (B)(iv).

13
14 IT IS SO STIPULATED.

15
16 DATED: September 18, 2020

DAVID L. ANDERSON
United States Attorney

17
18 /s/
SLOAN HEFFRON
19 Assistant United States Attorney

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21 /s/
22 CANDIS MITCHELL
23 Counsel for Defendant Froylan Sanchez


ORDER

Based upon the representations set forth in the stipulation of the parties and for good cause shown, the Court finds that failing to exclude the time between August 25, 2020 and November 3, 2020 would deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time between August 25, 2020 and November 3, 2020 from computation under the Speedy Trial Act outweigh the best interests of the public and the defendant in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A).

Accordingly, IT IS HEREBY ORDERED that the time from August 25, 2020 through November 3, 2020 shall be excluded from computation under the Speedy Trial Act, nunc pro tunc. 18 U.S.C. § 3161(h)(7)(A), (B)(iv). IT IS FURTHER ORDERED that the change of plea hearing in the above-captioned matter now set for September 22, 2020 be vacated. The Court sets this matter for November 3, 2020 at 2:30 p.m. for a status conference.

IT IS SO ORDERED.

DATED: September 18, 2020


THE HONORABLE RICHARD SEEBORG
United States District Judge